IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No.661 of 1990
Date of decision: December 12, 2006.

Sher Singh

...**Petitioner(s)**

v.

Bhagwan Singh & Ors.

...**Respondent(s)**

Present: None.

Surya Kant, J. (Oral)

This contempt petition has been filed, *inter-alia*, alleging that the respondents willfully and deliberately violated the interim order dated 24.6.1986 passed by the court of Collector in a petition under Section 11 of the Punjab Village Common Lands (Regulation) Act, 1961.

Vide the aforesaid interim order dated 24.6.1986, the Collector, Roopnagar had directed the parties to maintain status quo and not to raise further construction over the disputed site.

The record reveals that the petitioner earlier filed COCP No.249 of 1986 wherein the petitioner was directed to move the Collector in the matter in the first instance. The petitioner thereafter moved an application before the Collector, Roopnagar, who vide his order dated 28.3.1990 (Annexure P-3) vindicated the petitioner's stand.

It further appears that meanwhile COCP No.249 of 1986 was dismissed in default. The petitioner, however, has filed this contempt

petition after the Collector vide order dated 28.3.1990 (Annexure P-3) held that the respondents had raised some construction thereby encroaching upon the public street which was a *shamilat deh*.

The record further reveals that after 1990, this petition was never taken up for hearing.

In all probabilities, the petitioner's suit under section 11 of the Punjab Village Common Lands Regulation Act, 1961 must have been decided by now. The rights and obligations of the parties would, thus, be governed by the final outcome of those proceedings. Assuming that in those proceedings the respondents are found to have encroached a part of the public street, it cannot be said that the authorities under the Act do not have powers to take appropriate action against the respondents. In other words,the 1961 Act is a self-contained Act and provides complete mechanism which empowers the authorities to take up necessary steps including coercive steps for removal of unauthorized encroachments from the *shamilat deh*/public streets.

In this view of the matter, this petition is disposed of with liberty to the petitioner to move the authorities, if it has been found that the respondents have encroached upon the public street, for removal of such unauthorized encroachments and if any such petition is moved by him, the authorities shall proceed with the matter in accordance with law.

Rule discharged.

December 12, 2006. [**Surya Kant**]
kadyan **Judge**